

**Introduced by Senator Aanestad**

February 24, 2009

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An act to add Section 1002.5 to the Fish and Game Code, relating to the Department of Fish and Game.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 286, as introduced, Aanestad. Department of Fish and Game: scientific collector's permits.

Existing law authorizes the Department of Fish and Game to issue permits, subject to restrictions and regulations that the Fish and Game Commission determines are desirable, to take or possess, in any part of the state, for scientific, educational, or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibians, reptiles, or any other form of plant or animal life. Violation of these provisions is a crime.

This bill would authorize the issuance of a permit, on the payment of a specified fee, for scientific purposes to a California-certified small business, an aquarium accredited by the Association of Zoos and Aquariums, or other appropriate institution, in the name of a principal scientific investigator or the permitted entity. The bill would authorize the department to approve individual temporary employees or volunteers to work under the permit, after receiving notification from the permittee. The bill would make it a misdemeanor for a permittee to allow a temporary employee or volunteer to work under a permit without approval from the department, creating a new crime, and thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1002.5 is added to the Fish and Game  
2 Code, to read:

3 1002.5. (a) The department may issue a permit for scientific  
4 purposes pursuant to Section 1002 to a California-certified small  
5 business, an aquarium accredited by the Association of Zoos and  
6 Aquariums, or other appropriate institution, as determined by the  
7 department, in the name of a principal scientific investigator or  
8 the permitted entity.

9 (b) The department may approve individual temporary  
10 employees or volunteers to work under the permit, after receiving  
11 notification from the permittee. The permittee shall have adequate  
12 supervision over any temporary employees or volunteers approved  
13 to work under the permit.

14 (c) A permittee that allows a temporary employee or volunteer  
15 to work under a permit without approval from the department in  
16 accordance with this section is subject to Section 12000.

17 (d) The department shall charge a fee pursuant to subdivision  
18 (b) of Section 1002 for the issuance of, or any subsequent  
19 amendment to, the permit authorized by this section. A fee for an  
20 amendment to a permit shall not be charged in an amount that is  
21 more than the amount of the fee charged for the issuance of the  
22 permit. If the department determines that the costs to issue a permit  
23 authorized by this section are greater than the costs to issue a permit  
24 pursuant to Section 1002, the department may charge a permit fee  
25 in an amount that is greater than the amount imposed by  
26 subdivision (b) of Section 1002 to recover those additional costs.

27 SEC. 2. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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